

Property of
Lake and River Enhancement Section
Division of Fish and Wildlife/IDNR
402 W. Washington Street, W-273
Indianapolis, IN 46204

DESIGN SUMMARY
PETERSON DITCH – WINONA LAKE
KOSCIUSKO COUNTY, INDIANA

March 20, 2002

Prepared for:

Winona Lakes Preservation Association
P.O. Box 13
Warsaw, Indiana 46580

And

Lake and River Enhancement Program
Division of Soil Conservation
Indiana Department of Natural Resources
402 West Washington Street - Rm. W265
Indianapolis, Indiana 46204

Prepared by:

J. F. New & Associates, Inc.
708 Roosevelt Road
Walkerton, Indiana 46574
219-586-3400

Executive Summary

This project addresses excessive sediment loading to Winona Lake from the Peterson Ditch Watershed. A 1991 Feasibility/Design study of Winona Lake by International Science and Technology identified Peterson Ditch as the primary contributor of sediments to Winona Lake. Dredging of the lake was recommended only after stabilization of the stream banks occurred. This report summarizes the design and construction process that took place in 2001 to stabilize approximately 1000 feet of Peterson Ditch stream banks south of Winona Lake. The primary objective of the project was to reduce sediment loading to the lake by applying bioengineering principles directly to the stream banks. This project was made possible by the cooperation and financial support of the landowners along Peterson Ditch and funding from the Indiana Department of Natural Resources – Division of Soil Conservation's Lake and River Enhancement (LARE) Program.

I. Project Background, Description and Purpose

Peterson Ditch drains 7,026 acres of predominantly agricultural land into Winona Lake. The watershed is located in south central Kosciusko County, Indiana. The LARE Feasibility/Design study of Winona Lake by International Science and Technology identified Peterson Ditch as the primary contributor of sediments to Winona Lake. Following this initial study, the Winona Lake Preservation Association applied for and received a LARE design grant for stabilization measures on Peterson Ditch. Permits were received for an original engineering design in 1997. Subsequently, a LARE construction grant was awarded. The project was put out for bid in 1998 and abandoned after technical difficulties with the design were discovered. In 2000, the LARE staff and the Association decided to re-bid the project as a design-build bioengineering project.

The project was awarded to River-Tenders, a stream habitat improvement business from Mishawaka, Indiana. River-Tenders bid followed the George Palmiter method of using available in-stream woody debris to increase flow and armor the stream banks simultaneously. River-Tenders' modified the Palmiter approach for this project by adding large, locally available field stone to help anchor the woody debris and to prevent surface scour on the outside of the stream meanders. ■

The purpose of the project was to apply bank protection to as many lineal feet of eroding stream bank as possible within the confines of the LARE construction budget. Individual landowners were required to finance the 25 percent match for the project.

II. Design Rationale

The design rationale for this project was simple: reduce the rate of lateral channel migration in the floodplain by armoring the surface of the outside bends in the stream. In order to be considered a bioengineering technique the armoring materials had to incorporate living material. The fieldstone chosen for this task averaged 16-20 inches in diameter, large enough so as not to be moved in annual flood events. Logs were incorporated into the bank protection to reduce the amount of field stone required and to provide habitat for aquatic invertebrates and fish. Brush mattresses were also used under the stone in some cases to act as a sediment filter for overland flow and during ground water discharge into the stream. In addition, the brush mattress has the ability to sprout into new trees. Living trees along the stream bank promote long-term stability. Woody debris used in the protection of the banks was taken from trees that had fallen in the stream or were leaning over the stream.

III. Design Specifics

The project was divided into two phases. The first phase armored 1025 feet of total stream bank length on four properties approximately 800 feet upstream from Winona Beach Road, paralleling the rear yards along Pink Magnolia Drive. The second phase of the project involved armoring 500 feet of stream (both banks) from Winona Beach Road north toward the lake.

Phase one of the project used approximately 200 tons of stone and approximately 40 sections of tree trunks placed parallel to the creek bank. Logs were pinned to the substrate with 5/8-inch rebar. A minimum of two rebar pins were used in each log, however, three pins were typically used. The rebar pins had a welded washer on the top to prevent the log from lifting off the rebar during a high water period. In at least two areas, brush from a downed tree was placed against the soil surface as a "brush mattress" prior to placing the fieldstone over the top. Box elder, sycamore and willow branches were specifically selected for brush mattresses due to their sprouting ability.

Phase two used approximately 150 ton of stone to armor 1000 lineal feet of stream bank. Approximately 10 logs were used in this section and were pinned down with 5/8-inch rebar driven through holes drilled in the logs. Fieldstones were placed by machine and packed into the bank around the ends of the logs, on top of the logs and at potential scour points under logs where required. Fieldstone was also placed at the downstream edge of the culvert under Winona Beach Road to reduce erosion from the culvert side slopes.

IV. Construction Schedule and Participants

The project was undertaken between spring and fall of 2001 in two phases.

<u>Landowners</u>	<u>Approximate Length Stabilized</u>	<u>Contribution</u>
<i>Phase I – Spring 2001</i>		
Jeff Burriff 502 E. Pink Magnolia Drive	250 feet	\$2,500.00
Warren and Linda Rohrer 504 Pink Magnolia Drive	500 feet	\$5,000.00
John Hartman 564 E. Pink Magnolia Drive	250 feet	\$2,500.00
Charles and Roberta Fulton 604 E. Pink Magnolia Drive	500 feet	\$5,000.00
<i>Phase 2 – Fall 2001</i>		
Dennis and Yvette Clemens 2005 Westwood Drive	250 feet	\$2,500.00
Steve and Debra Shaffer 714 E. Lakewood Drive	500 feet	\$5,000.00
Sub-total	2250 feet	\$22,500.00
LARE Match @75%		<u>\$67,500.00</u>
Total Project Cost		\$90,000.00

V. Monitoring and Maintenance Activities

The primary monitoring activity will be an annual inspection of the construction areas by the existing property owners. The inspection should note any signs of erosion or movement of the rock or log protection. If erosion is occurring at either end of the existing protection or if the stream is scouring below the protection, immediate action should be taken to stabilize the additional erosion by duplicating the adjacent technique. Landowners involved in the project have agreed to perform these maintenance inspections (Appendix C).

MAINTENANCE INSPECTION FORM

Project Name: Peterson Ditch – Bank Stabilization

Date:

1. Has vegetation established from the top-of the riverbank landward of the protection?

2. Does Peterson Ditch appear stable at the low and high flow water lines? Are the rocks staying in place or are they rolling along the bottom of the stream during high flows? Are additional trees being undercut?

3. Are the overflow areas (in the existing woodlot) free of significant erosion? Are they fully vegetated?

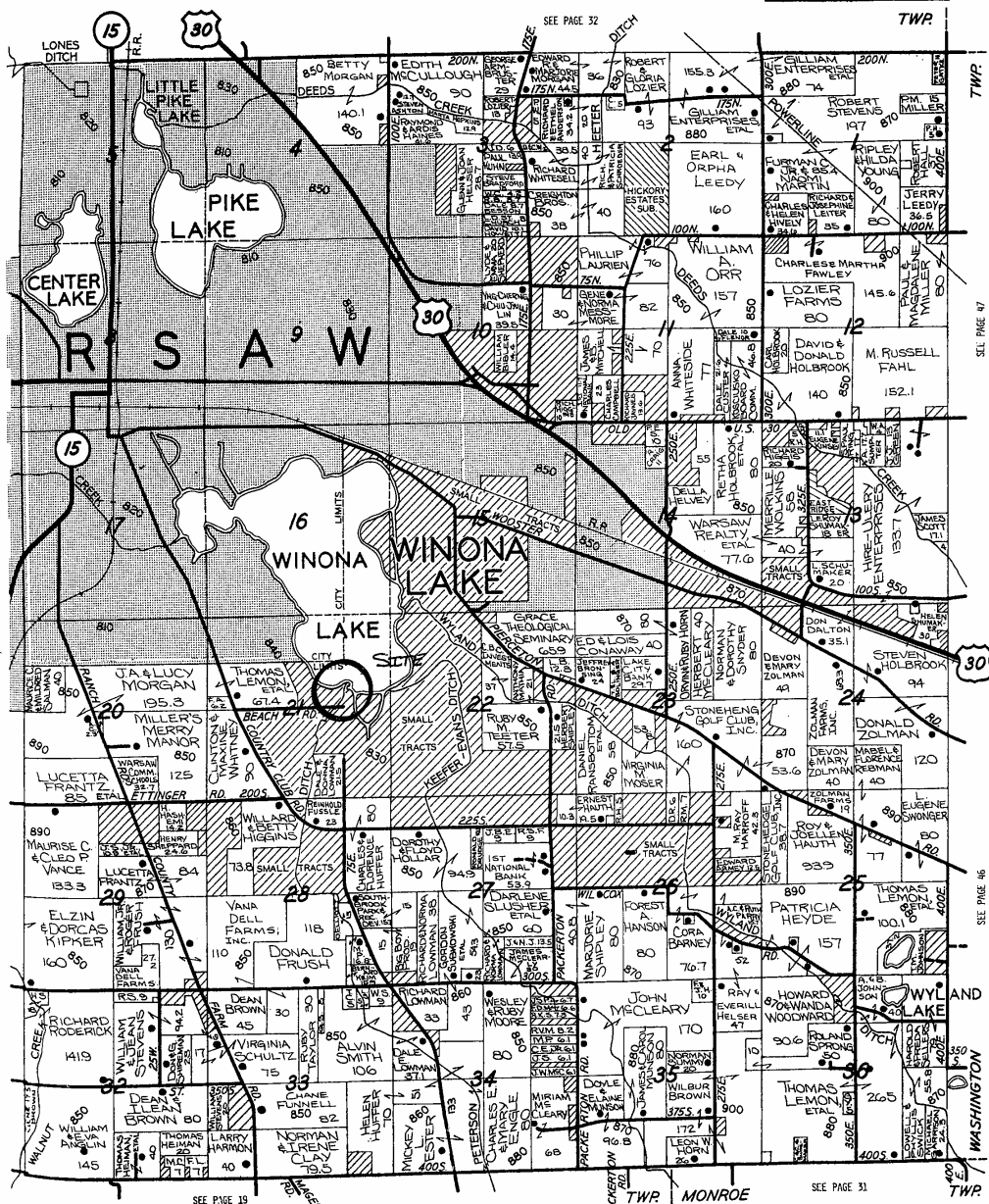
4. Is there the same, more or less bank erosion occurring upstream and downstream of the protection areas.

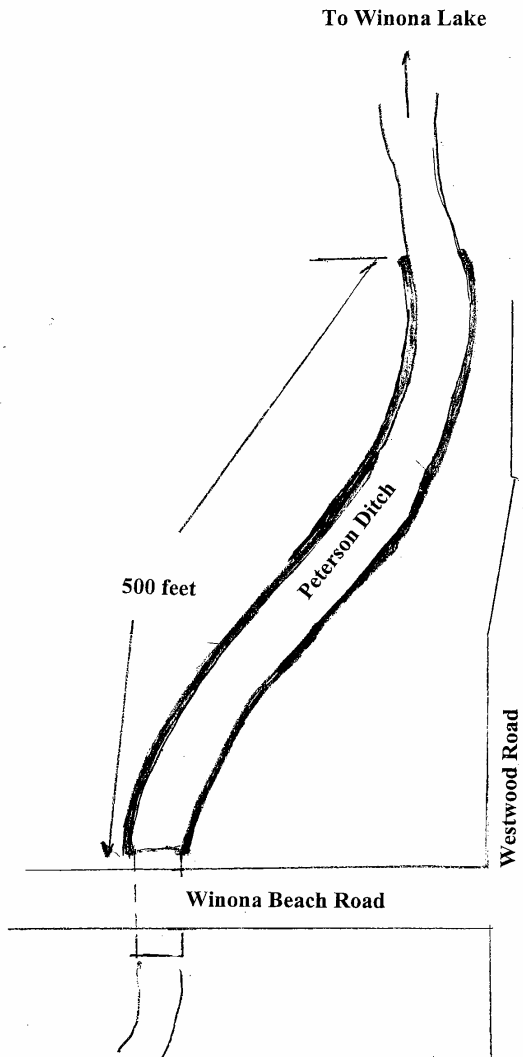
5. Other observations.

Inspector Signature and Printed Name:

Return completed inspection form to: Winona Lakes Preservation Association, P.O. Box 13, Warsaw, IN 46580-0013

Appendix A:
Design-Build Construction Drawings



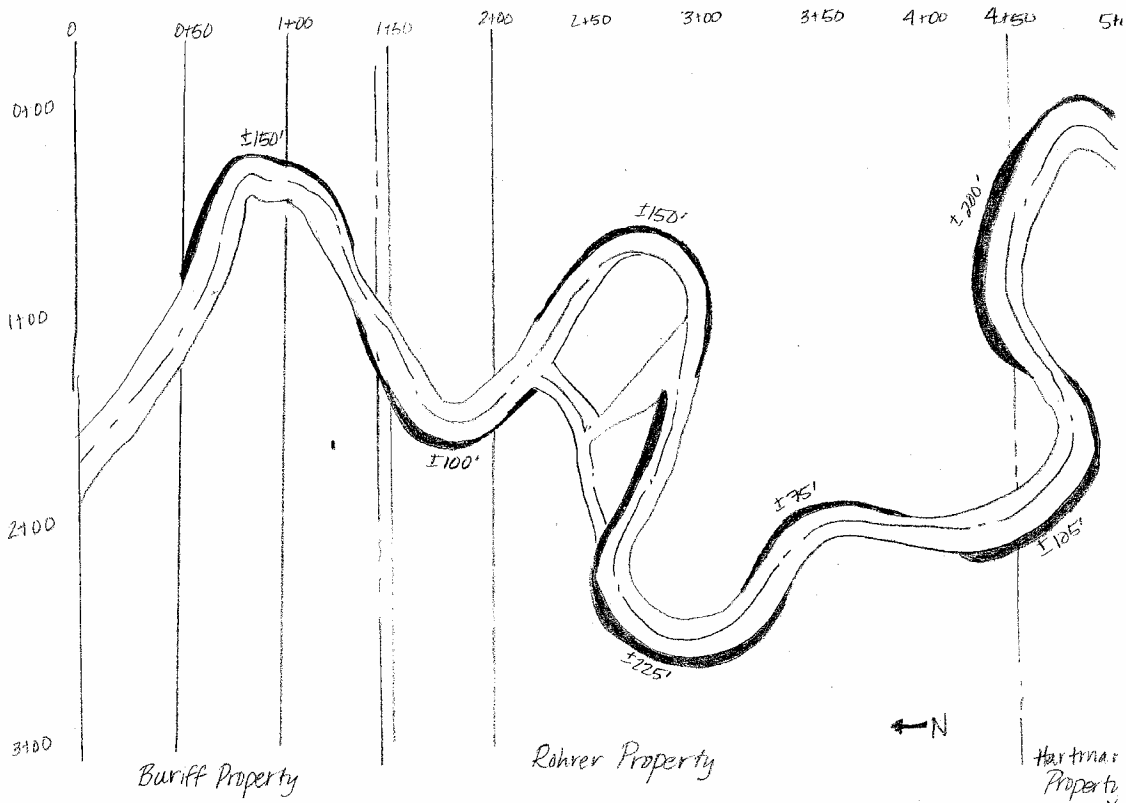


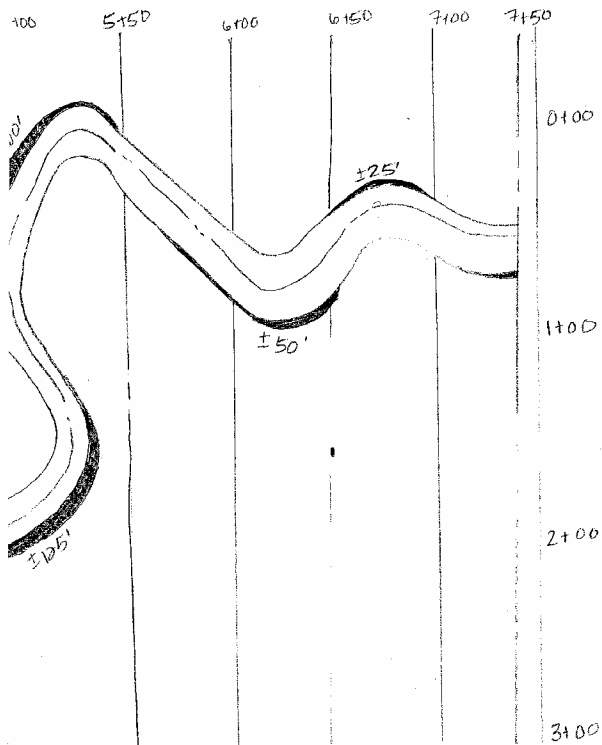
Scale: 1 inch = 100 feet

JFNA# 00-11-30

**Figure 3: Plan View of Proposed Stabilization Zones
Peterson Ditch
Winona Lakes Preservation Assoc.
Winona Lake, Kosciusko County, Indiana**

<p>J.F. New & Associates, Inc.</p>	<p>708 Rosemead Road P.O. Box 733 Waukegan, IN 46374 Phone: 219-288-3400 Fax: 219-288-3428</p>
	<p>Permitting • Delineations • Mitigation Design • Biological Inventories Wetland and Prairie Nursery • Lake and Stream Enhancement Natural Systems for Wastewater Treatment</p>



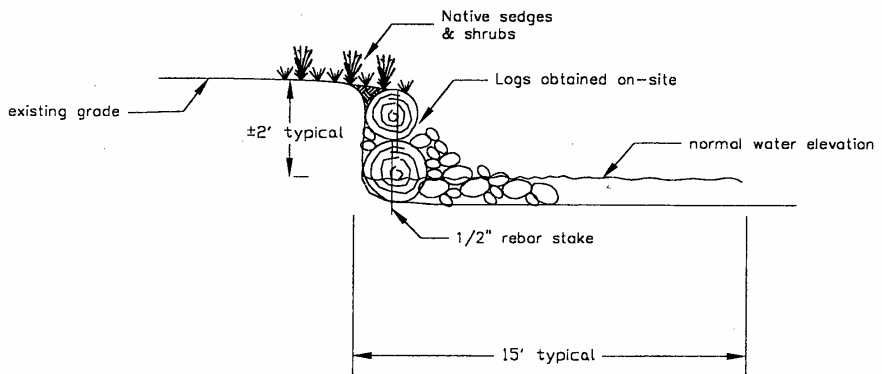


Hartman
Property

Fulton Property



Scale 1"=50'



Not to Scale

JFNA# 00-11-30

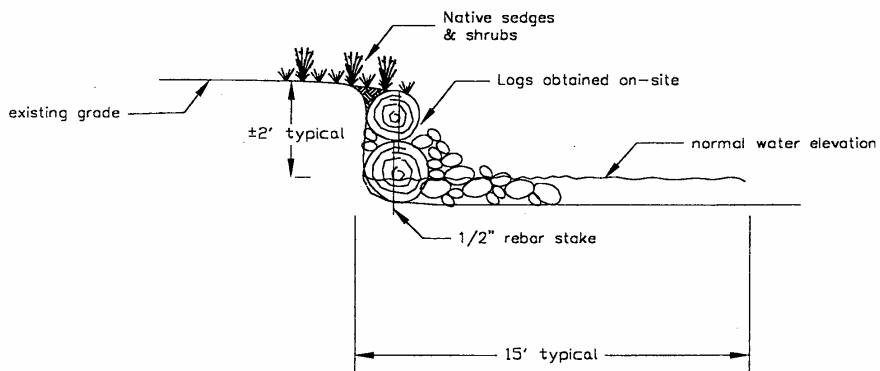
Figure 4: Typical Cross-Section
Winona Lakes preservation Assoc.
Winona Lake, Kosciusko County, Indiana



**J.F. New &
Associates, Inc.**

708 Roosevelt Road
P.O. Box 243
Walton, IN 46374
Phone: 318-588-3400
Fax: 318-588-3418

Permitting • Delineations • Mitigation Design • Biological Inventories
 Wetland and Prairie Nursery • Lake and Stream Enhancement
 Natural Systems for Wastewater Treatment



Not to Scale

JFNA# 00-11-30

Figure 4: Typical Cross-Section
Winona Lakes preservation Assoc.
Winona Lake, Kosciusko County, Indiana



**J.F. New &
Associates, Inc.**

708 Roosevelt Road
P.O. Box 243
Winona, IN 46874
Phone: 218-588-3400
Fax: 218-588-3448

Permitting • Delineations • Mitigation Design • Biological Inventories
Wetland and Prairie Nursery • Lake and Stream Enhancement
Natural Systems for Wastewater Treatment

Appendix B: Permits

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

CERTIFICATE OF APPROVAL
CONSTRUCTION IN A FLOODWAY

MAILED

MAR 13 2001

APPLICATION # : FW-21014

STREAM : Peterson Ditch

APPLICANT : Winona Lakes Preservation Association
Joel Pratt
PO Box 13
Warsaw, IN 46580-0013

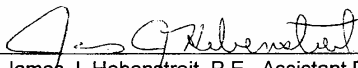
AGENT : J.F. New & Associates, Inc
John Richardson
708 Roosevelt Road, Suite A
Walkerton, IN 46574

AUTHORITY : IC 14-28-1 with 310 IAC 6-1

DESCRIPTION : Approximately 575' of the streambank will be stabilized at four different locations along the east bank of the stream. Also, approximately 450' of the streambank will be stabilized at three different locations along the west bank of the stream. The streambanks will be stabilized by using tree logs cabled to the streambank with 1/2" rebar. Also, glacial stone will be used to fill voids. Details of the project are contained in information and plans received at the Division of Water on December 27, 2000.

LOCATION : DOWNSTREAM: On the east and west banks of the ditch approximately 1600' upstream from its inlet into Winona Lake at Winona Lake, Wayne Township, Kosciusko County
SW1/4, NW1/4, SE1/4, Section 21, T 32N, R 6E, Warsaw Quadrangle
UTM Coordinates: Downstream 4562500 North, 598000 East
UPSTREAM: On the east and west banks of the ditch approximately 2100' upstream from its inlet into Winona Lake

UTM Coordinates: Upstream 4562375 North, 598000 East

APPROVED BY : 
James J. Hebenstreit, P.E., Assistant Director
Division of Water

APPROVED ON : March 12, 2001

Attachments: Notice Of Right To Administrative Review

General Conditions

Special Conditions

Service List

**STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES**

NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

APPLICATION #: FW- 21014

This signed document constitutes the issuance of a permit by the Natural Resources Commission, or its designee, subject to the conditions and limitations stated on the pages entitled "General Conditions" and "Special Conditions".

The permit or any of the conditions or limitations which it contains may be appealed by applying for administrative review. Such review is governed by the Administrative Orders and Procedures Act, IC 4-21.5, and the Department's rules pertaining to adjudicative proceedings, 312 IAC 3-1.

In order to obtain a review, a written petition must be filed with the Division of Hearings within 18 days of the mailing date of this notice. The petition should be addressed to:

Mr. Stephen L. Lucas, Director
Division of Hearings
Room W272
402 West Washington Street
Indianapolis, Indiana 46204

The petition must contain specific reasons for the appeal and indicate the portion or portions of the permit to which the appeal pertains.

If an appeal is filed, the final agency determination will be made by the Natural Resources Commission following a legal proceeding conducted before an Administrative Law Judge. The Department of Natural Resources will be represented by legal counsel.

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

SPECIAL CONDITIONS

APPLICATION #: FW- 21014

PERMIT VALIDITY : This permit is valid for 24 months from the "Approved On" date shown on the first page. If work has not been initiated by March 12, 2003 the permit will become void and a new permit will be required in order to continue work on the project.

This permit becomes effective 18 days after the "MAILED" date shown on the first page. If both a petition for review and a petition for a stay of effectiveness are filed before this permit becomes effective, any part of the permit that is within the scope of the petition for stay is stayed for an additional 15 days.

CONFORMANCE : Other than those measures necessary to satisfy the "General Conditions" and "Special Conditions", the project must conform to the information received by the Department of Natural Resources on: December 27, 2000. Any deviation from the information must receive the prior written approval of the Department.

Number	Special Condition
(1)	seed and apply mulch on all disturbed areas not protected by other methods
(2)	to the degree possible, use hand tools for the installation of stabilization practices
(3)	limit the use and size of construction equipment to minimize impacts to the riparian corridor
(4)	minimize and limit the removal of vegetation to those sites that are absolutely necessary
(5)	where feasible, substitute field stone for riprap
(6)	the local sponsor must establish appropriate inspection, monitoring, and maintenance criteria for the project; apply the criteria on a minimum annual basis
(7)	except for the material used as fill as shown on the above referenced project plans on file at the Division of Water, place all excavated material landward of the floodway *
(8)	all work must conform with the existing bank at the upstream and downstream limits of the project site
(9)	do not leave felled trees, brush, or other debris in the floodway *
(10)	all riprap placed for bank stabilization must conform to the bank
(11)	upon completion of the project, remove all construction debris from the floodway *
(12)	* NOTE: for regulatory purposes, the floodway is defined as that shown on PANEL 86 of the County of Kosciusko Floodway Map dated February 4, 1987

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

GENERAL CONDITIONS

APPLICATION #: FW- 21014

- (1) If any archaeological artifacts or human remains are uncovered during construction, federal law and regulations (16 USC 470, et seq.; 36 CFR 800.11, et al) and State Law (IC 14-21-1) require that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within 2 business days.

Division of Historic Preservation and Archaeology
Room W274
402 West Washington Street
Indianapolis, IN 46204

Telephone: (317) 232-1646, FAX: (317) 232-8036

- (2) This permit must be posted and maintained at the project site until the project is completed.
- (3) This permit does not relieve the permittee of the responsibility for obtaining additional permits, approvals, easements, etc. as required by other federal, state, or local regulatory agencies. These agencies include, but are not limited to:

Agency	Telephone Number
Kosciusko County Drainage Board	(219) 372-2367
US Army Corps of Engineers, Louisville District	(502) 315-6733
Indiana Department of Environmental Management	(317) 233-2471
Local city or county planning or zoning commission	

- (4) This permit must not be construed as a waiver of any local ordinance or other state or federal law.
- (5) This permit does not relieve the permittee of any liability for the effects which the project may have upon the safety of the life or property of others.
- (6) This permit may be revoked by the Department of Natural Resources for violation of any condition, limitation or applicable statute or rule.
- (7) This permit shall not be assignable or transferable without the prior written approval of the Department of Natural Resources. To initiate a transfer contact:

Mr. Michael W. Neyer, PE, Director
Division of Water
Room W264
402 West Washington Street
Indianapolis, IN 46204

Telephone: (317) 232-4160, Toll Free: (877) 928-3755
FAX: (317) 233-4579

- (8) The Department of Natural Resources shall have the right to enter upon the site of the permitted activity for the purpose of inspecting the authorized work.
- (9) The receipt and acceptance of this permit by the applicant or authorized agent shall be considered as acceptance of the conditions and limitations stated on the pages entitled "General Conditions" and "Special Conditions".

**STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES**

SERVICE LIST

APPLICATION #: FW- 21014

Winona Lakes Preservation Association
Joel Pratt
PO Box 13
Warsaw, IN 46580-0013

J.F. New & Associates, Inc
John Richardson
708 Roosevelt Road, Suite A
Walkerton, IN 46574

Kosciusko County Drainage Board
County Surveyor
Courthouse, Room 103
100 West Center Street
Warsaw, IN 46580-2872

US Army Corps of Engineers, Louisville District
Regulatory Functions Branch
c/o Mr. Jim Townsend
PO Box 59
Louisville, KY 40201-0059

Indiana Department of Natural Resources
Division of Law Enforcement
North Region Headquarters Dist 1
RR 6, Box 344
Peru, IN 46970

Kosciusko County Area Plan Commission
Court House, 1st Floor, Room 26
100 West Center Street
Warsaw, IN 46580

Kosciusko County Soil and Water Conservation
District
217 Bell Drive
Warsaw, IN 46580-9362

Winona Lake Plan Commission
P. O. Box 338
Winona Lake, IN 46590

Staff Assignment:

Administrative	: Joseph D. Mapes
Technical	: John N. Simpson, P.E.
Environmental	: Stephen H. Jose



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

March 23, 2001

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.state.in.us/idem

VIA CERTIFIED MAIL 7000 0520 0023 5043 3574

00-2C

Mr. Joel Pratt
Winona Lake Preservation Association
P.O. Box 13
Warsaw, Indiana 46580

Dear Mr. Pratt:

Re: Section 401 Water Quality Certification
Project: Peterson Ditch bank stabilization
IDEM ID #: 2001-26-43-LPR-A
COE ID #: 200001718-bac
County: Kosciusko

Office of Water Quality staff has reviewed your application received January 16, 2001, requesting Section 401 Water Quality Certification (WQC) for the above-referenced project. You propose to stabilize approximately 1,025 feet of eroding stream banks on Peterson Ditch, which flows into Winona Lake. The stream segment to be stabilized is approximately 2,000 feet south of Winona Lake and east of Pink Magnolia Drive.

Based on the available information, it is the judgment of this office that the proposed project will comply with the applicable provisions of 327 IAC 2 and Sections 301, 302, 303, 306, and 307 of the Clean Water Act if the WQC recipient complies with the conditions set forth below. Therefore, subject to the following conditions, the Indiana Department of Environmental Management (IDEM) hereby grants Section 401 Water Quality Certification for the project described in your application received January 16, 2001. Any changes in project design or scope not detailed in the application described above or modified by the conditions below are not authorized by this certification. The WQC recipient shall:

GENERAL CONDITIONS:

1. Deposit any dredged material in a contained upland disposal area to prevent sediment run-off to any waterbody. Dispose of all dredged and excavated material according to the requirements of 329 IAC 10, governing Solid Waste Land Disposal Facilities. Your project information may be forwarded to the IDEM Office of Land Quality, Industrial Waste Section for review. Sampling may be required to determine if the dredged sediment is contaminated. Failure to properly dispose of contaminated sediment may result in enforcement action against you.

2. Install erosion control methods prior to any soil disturbance to prevent soil from leaving the construction site. Appropriate erosion control methods include, but are not limited to, straw bale barriers, silt fencing, erosion control blankets, phased construction sequencing, and earthen berms. Monitor and maintain erosion control structures and devices regularly, especially after rain events, until all soils disturbed by construction activities have been permanently stabilized.
3. Clearly mark the construction limits shown in the attached plans at the project site during construction.
4. Allow the commissioner or an authorized representative of the commissioner (including an authorized contractor), upon the presentation of credentials:
 - A) to enter upon the WQC recipient's property;
 - B) to have access to and copy at reasonable times any records that must be kept under the conditions of this certification;
 - C) to inspect, at reasonable times, any monitoring or operational equipment or method; collection, treatment, pollution management or discharge facility or device; practices required by this certification;
 - D) to sample or monitor any discharge of pollutants.

PROJECT SPECIFIC CONDITIONS:

The WQC recipient shall:

1. Stabilize the banks using a combination of downed or overhanging trees on site that are secured by cable or pinned with ½' rebar.
2. Fill voids at the log/bank interface with approximately 100 tons of washed glacial stone.
3. Install silt fence or other erosion control measures around the perimeter of any wetlands and/or other waterbodies to remain undisturbed at the project site.
8. Remove only trees that are downed, dead or dying, or leaning greater than 45 degrees.
9. Allow no construction equipment, temporary run-arounds, coffer dams, causeways, or other such structures to enter or be constructed within Peterson Ditch, unless specifically stated, depicted, or detailed in the aforementioned correspondence and project plans. A modification of this Section 401 Water Quality Certification is required from this office if any of the aforementioned items are needed for project construction.

This granting of Section 401 Water Quality Certification does not relieve the WQC recipient from the responsibility of obtaining any other Water Quality Certifications or authorizations that may

be required for this project or related activities from IDEM or any other agency or person. You may wish to contact the Indiana Department of Natural Resources at 317/ 232-4161 concerning the possible requirement of natural freshwater lake or floodway Water Quality Certifications, or the IDEM stormwater Water Quality Certifications section at 317/232-8648 concerning the possible need for 327 IAC 15-5 (Rule 5) Water Quality Certifications if you plan to disturb greater than 5 acres of soil during construction.

This certification does not:

- (1) authorize impacts or activities outside the scope of this certification;
- (2) authorize any injury to persons or private property or invasion of other private rights, or any infringement of federal, state or local laws or regulations;
- (3) convey any property rights of any sort, or any exclusive privileges;
- (4) preempt any duty to obtain federal, state or local permits or authorizations required by law for the execution of the project or related activities; or
- (5) authorize changes in the plan design detailed in the application.

Failure to comply with the terms and conditions of this Section 401 Water Quality Certification may result in enforcement action against the WQC recipient. If an enforcement action is pursued, the WQC recipient could be assessed up to \$25,000 per day in civil penalties. The WQC recipient may also be subject to criminal liability if it is determined that the Section 401 Water Quality Certification was violated willfully or negligently.

This certification is effective 18 days from the mailing of this notice unless a petition for review and a petition for stay of effectiveness are filed within this 18-day period. If a petition for review and a petition for stay of effectiveness are filed within this period, any part of the Water Quality Certification within the scope of the petition for stay is stayed for 15 days, unless or until an Environmental Law Judge further stays the Water Quality Certification in whole or in part.

This decision may be appealed in accordance with IC 4-21.5, the Administrative Orders and Procedures Act. The steps that must be followed to qualify for review are:

1. You must petition for review in a writing that states facts demonstrating that you are either the person to whom this decision is directed, a person who is aggrieved or adversely affected by the decision, or a person entitled to review under any law.
2. You must file the petition for review with the Office of Environmental Adjudication (OEA) at the following address:

Office of Environmental Adjudication
ISTA Building
150 West Market Street
Suite 618
Indianapolis, IN 46204

3. You must file the petition within eighteen (18) days of the mailing date of this

decision. If the eighteenth day falls on a Saturday, Sunday, legal holiday, or other day that the OEA offices are closed during regular business hours, you may file the petition the next day that the OEA offices are open during regular business hours. The petition is deemed filed on the earliest of the following dates: the date it is personally delivered to OEA; the date that the envelope containing the petition is postmarked if it is mailed by United States mail; or, the date it is shown to have been deposited with a private carrier on the private carrier's receipt, if sent by private carrier.

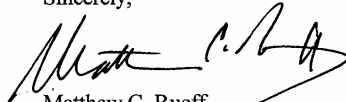
Identifying the Water Quality Certification, decision, or other order for which you seek review by number, name of the applicant, location, or date of this notice will expedite review of the petition.

Note that if a petition for review is granted pursuant to IC 4-21.5-3-7, the petitioner will, and any other person may, obtain notice of any prehearing conferences, preliminary hearings, hearings, stays, and any orders disposing of the proceedings by requesting copies of such notices from OEA.

If you have procedural questions regarding filing a petition for review you may contact OEA at 317-232-8591.

If you have any questions about this certification, please contact Marylou Renshaw, Project Manager, of my staff at 317-234-1221, or you may contact the Office of Water Quality through the IDEM Environmental Helpline (1-800-451-6027).

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew C. Rueff', is written over a horizontal line.

Matthew C. Rueff
Assistant Commissioner
Office of Water Quality

cc: Brett Crump, COE- Indianapolis Field Office, Louisville District
Liz McCloskey, USFWS
Keith Poole, IDNR
John Richardson, J.F. New and Associates, Inc.

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059

April 4, 2001

Operations Division
Regulatory Branch (North)
ID No. 200001718-bac

Mr. Joel Pratt
Winona Lakes Preservation Association
P.O. Box 13
Warsaw, Indiana 46580

Dear Mr. Pratt:

This is in response to your request dated December 18, 2000, for a Department of the Army Permit to place glacial stone and logs from downed or overhanging trees below the ordinary high water elevation of Peterson Ditch to stabilize eroding banks. The application was submitted on your behalf by your agent, J. F. New & Associates. The total project length is approximately 1,025 feet and is located in the southeast quarter of Section 21, Township 32 North, Range 6 East, Warsaw, Kosciusko County, Indiana.

Under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA), the Louisville and Detroit Districts issued Regional General Permit (RGP) No. 1 on February 11, 2000, for certain activities having minimal impact in Indiana. We have verified that your proposed work shown on the plans submitted with the application and described below is authorized under the RGP. Therefore, you may proceed with the work subject to the enclosed general conditions and the Indiana Department of Environmental Management (IDEM) Section 401 Water Quality Certification dated (WQC) March 23, 2001.

The following work is authorized: placement of glacial stone and logs from downed or overhanging trees below the ordinary high water elevation of Peterson Ditch to stabilize eroding banks.

Any new construction activity other than that shown on the plans submitted with the application may not qualify for the RGP. If your plans change or if additional activities are proposed, please submit revised plans to this office for review prior to construction.

Also enclosed is a "Notice of Authorization" to be displayed at the construction site in a conspicuous place. Upon completion of the work authorized by this RGP, the enclosed Completion Report form must be completed and returned to this office. This authorization is valid until **February 11, 2005**.

Copies of this letter will be sent to your agent and the appropriate coordinating agencies (see enclosure for addresses).

If you have any questions concerning this matter, please contact this office at the above address, ATTN: CELRL-OP-FN or call Mr. Brett A. Crump at (317) 532-4197. Any correspondence on this matter should refer to our ID Number 200001718-bac.

Sincerely,

~~ORIGIN~~ 44.1.1

Doug Shelton
Chief, North Section
Regulatory Branch

Enclosures

ADDRESSES FOR AGENT AND COORDINATING AGENCIES

Mr. John Richardson
J.F. New & Associates, Inc.
P.O. Box 243
Walkerton, Indiana 46574

Ms. Marylou Renshaw
Project Manager
Section 401 Water Quality Certification Program
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Mr. Mike Neyer, P. E.
Director
Division of Water
Indiana Department of Natural Resources
402 West Washington Street, Room W264
Indianapolis, Indiana 46204

GENERAL CONDITIONS:

1. Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (i.e. on-site). The permittee shall provide a mitigation/monitoring plan for any activity where the adverse impact on special aquatic sites exceeds 0.10 acre (4,356 sq. ft.) or is determined to be more than minimal impact. In determining the minimal impact threshold, the Districts will consider the direct and secondary impacts of the fill or work and any mitigation measures. A wetland delineation report is also required. NOTE: An important element of any mitigation plan for projects in or near streams, other open waters and wetlands is the requirement for vegetated buffers. Therefore, all mitigation plans should include a minimum 50-foot wide buffer between the edge of the project site and the waters and/or wetlands to be affected unless a lesser distance has been specifically approved under the RGP.
2. The permittee shall, if mitigation is required, develop the mitigation site concurrently with site construction. This will assure that aquatic functions are not lost for long periods of time, which could adversely affect water quality and wildlife.
3. The permittee shall ensure that sedimentation and soil erosion control measures are in place prior to any construction activity. This shall include the installation of straw bale barriers, silt fencing and/or other approved methods to control sedimentation and erosion.
4. The permittee shall ensure that areas disturbed by any construction activity, including channel banks, are immediately stabilized and revegetated with a combination of grasses, legumes and shrubs compatible to the affected area.
5. The permittee shall ensure that all in-stream construction activity is not performed during periods of high stream flow or during the fish spawning season between April 1 through June 30 without first contacting the IDNR, Division of Fish and Wildlife for their expertise on impacts to the fishery resource. Additionally, the discharge of dredged and/or fill material in known waterfowl breeding areas must be avoided to the maximum extent practicable.
6. The permittee will ensure that the activity authorized will not disrupt movement of those aquatic species indigenous to the waterbody, including those species, which normally migrate through the area unless the activity's specific purpose is to impound water.
7. The permittee shall ensure that all construction equipment is refueled and maintained on an upland site away from existing streams, drainageways and wetland areas. Heavy equipment working in wetlands must be placed on mats, or other measures taken to minimize soil disturbance.
8. The permittee must provide a copy of the site specific State Section 401 WQC before the Corps will authorize a project under the RGP.
9. The permittee must comply with any case specific special conditions added by the Corps or by the State Section 401 WQC. The conditions imposed in the State Section 401 WQC are also conditions of this RGP.
10. The permittee shall assure that no activity authorized by the RGP may cause more than a minimal adverse effect on navigation.
11. The permittee shall ensure proper maintenance of any structure or fill authorized by this RGP, including maintenance to ensure public safety.
12. The permittee shall not perform any work within any Wild and Scenic Rivers or in any river officially designated as a "study river" for possible inclusion in the system, unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity authorized by the RGP will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal Land Management agency in the area (e.g. U.S. Forest Service, Bureau of Land Management or the U.S. Fish and Wildlife Service).
13. The permittee shall not perform any work under the RGP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. The permittee shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work under the RGP until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Authorization of an activity under the RGP does not authorize the "take" of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act.

14. The permittee shall not perform any activity under the RGP which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C. The permittee must notify the District Engineer if the activity authorized by the RGP may affect any historic properties listed, determined to be eligible or which the permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin construction until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology. If the permittee discovers any previously unknown historic or archaeological remains while accomplishing the activity authorized by the RGP, work must be immediately stopped and this office immediately notified of what you have found. The District will initiate the Federal, tribal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
15. The permittee shall not perform any work under the RGP where the discharge of dredged and/or fill material would occur in the proximity of a public water supply intake except where the activity is for the repair of the public water supply structure or adjacent bank stabilization.
16. No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material may consist of unsuitable materials (e.g. trash, debris, car bodies, asphalt, etc.) and that materials used for construction or discharge must be free from toxic pollutants in toxic amounts.
17. The permittee shall, to the maximum extent practicable, design the project to maintain pre-construction downstream flow conditions. Furthermore, the work must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose is to impound water) and that the structure or discharge of fill must withstand expected high flows. The project must provide, to the maximum extent practicable, for retaining excess flows from the site and for establishing flow rates from the site similar to pre-construction conditions.
18. The permittee shall ensure that if the activity approved by the RGP includes impoundment of water, measures will be taken to minimize adverse effects on the aquatic ecosystem caused by the accelerated passage of water and/or the restriction of flow.
19. The permittee shall ensure that all temporary fills, authorized under the RGP, be removed in their entirety and the affected areas returned to pre-construction elevation.
20. Representatives from the Corps of Engineers and/or IDEM may inspect any authorized activity or mitigation site at any time deemed necessary to ensure compliance with the terms and conditions of the RGP, Section 401 WQC, and applicable laws.
21. All work authorized by this RGP must be completed by the expiration date of this RGP or 1 year after the date of the Corps authorization letter, whichever occurs later. If you find you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 3 months before the expiration date.
22. The permittee after completion of work under the RGP shall submit a signed certification letter regarding the completed work and required mitigation, if applicable. The certification letter will include a statement that the work was done in accordance with the RGP authorization including compliance with all general and special conditions and completion of mitigation work.

Kosciusko County Surveyor

Courthouse
100 W. Center Street
Warsaw, IN 46580



Richard J. Kemper L.S.

219-372-2367

February 6, 2001

Mr. John Richardson
Project Manager
J.F. New and Associates Inc.
708 Roosevelt Road
PO Box 243
Walkerton, In 46574

Re: Peterson ditch project/Kosciusko County

Dear John:

The Kosciusko County Drainage Board has approved the bank stabilization plan submitted by J.F. New & Associates on behalf of the Winona Lake Preservation Association per your cover letter and plans dated November 21, 2000.

This approval does not alter or diminish those rights and authorities of the Board pursuant to I.C. 39-9-27.

Thanks John for the heads up and please feel free to contact me if I can be of assistance.

Sincerely,

Richard Kemper
Kosciusko County Surveyor

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

MAILED NOV 01 2001

**CERTIFICATE OF APPROVAL
CONSTRUCTION IN A FLOODWAY**

APPLICATION # : FW-21515

STREAM : Peterson Ditch

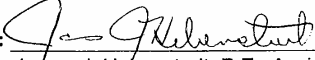
APPLICANT : Winona Lakes Preservation Association
Joel Pratt
PO Box 13
Warsaw, IN 46580-0013

AGENT : J F New & Associates, Inc
John Richardson
708 Roosevelt Road, Suite A
Walkerton, IN 46574

AUTHORITY : IC 14-28-1 with 310 IAC 6-1

DESCRIPTION : Approximately 500' of the streambank will be stabilized. The streambanks will be stabilized by using up to 20 tree logs cabled or pinned to the streambank with ½" rebar. Also, approximately 60 tons of glacial stone will be used to fill voids along the stream bank. Details of the project are contained in information and plans received at the Division of Water on August 31, 2001 and September 4, 2001.

LOCATION : DOWNSTREAM: On both sides of the stream; beginning on the north side of Winona Beach Road (Boss Road) and continuing approximately 500' downstream (north) near Winona Lake, Wayne Township, Kosciusko County
SE¼, SW¼, NE¼, Section 21, T 32N, R 6E, Warsaw Quadrangle
UTM Coordinates: Downstream 4562940 North, 598230 East
UPSTREAM:
UTM Coordinates: Upstream 4562820 North, 598180 East

APPROVED BY : 
James J. Hebenstreit, P.E., Assistant Director
Division of Water

APPROVED ON : November 1, 2001

Attachments: Notice Of Right To Administrative Review
General Conditions
Special Conditions
Service List

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

APPLICATION #: FW- 21515

This signed document constitutes the issuance of a permit by the Natural Resources Commission, or its designee, subject to the conditions and limitations stated on the pages entitled "General Conditions" and "Special Conditions".

The permit or any of the conditions or limitations which it contains may be appealed by applying for administrative review. Such review is governed by the Administrative Orders and Procedures Act, IC 4-21.5, and the Department's rules pertaining to adjudicative proceedings, 312 IAC 3-1.

In order to obtain a review, a written petition must be filed with the Division of Hearings within 18 days of the mailing date of this notice. The petition should be addressed to:

Mr. Stephen L. Lucas, Director
Division of Hearings
Room W272
402 West Washington Street
Indianapolis, Indiana 46204

The petition must contain specific reasons for the appeal and indicate the portion or portions of the permit to which the appeal pertains.

If an appeal is filed, the final agency determination will be made by the Natural Resources Commission following a legal proceeding conducted before an Administrative Law Judge. The Department of Natural Resources will be represented by legal counsel.

**STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES**

GENERAL CONDITIONS

APPLICATION #: FW- 21515

- (1) If any archaeological artifacts or human remains are uncovered during construction, federal law and regulations (16 USC 470, et seq.; 36 CFR 800.11, et al) and State Law (IC 14-21-1) require that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within 2 business days.

Division of Historic Preservation and Archaeology
Room W274
402 West Washington Street
Indianapolis, IN 46204

Telephone: (317) 232-1646, FAX: (317) 232-8036

- (2) This permit must be posted and maintained at the project site until the project is completed.
- (3) This permit does not relieve the permittee of the responsibility for obtaining additional permits, approvals, easements, etc. as required by other federal, state, or local regulatory agencies. These agencies include, but are not limited to:

Agency	Telephone Number
Kosciusko County Drainage Board	(219) 372-2367
US Army Corps of Engineers, Louisville District	(502) 315-6733
Indiana Department of Environmental Management	(317) 233-2471
Local city or county planning or zoning commission	

- (4) This permit must not be construed as a waiver of any local ordinance or other state or federal law.
- (5) This permit does not relieve the permittee of any liability for the effects which the project may have upon the safety of the life or property of others.
- (6) This permit may be revoked by the Department of Natural Resources for violation of any condition, limitation or applicable statute or rule.
- (7) This permit shall not be assignable or transferable without the prior written approval of the Department of Natural Resources. To initiate a transfer contact:

Mr. Michael W. Neyer, PE, Director
Division of Water
Room W264
402 West Washington Street
Indianapolis, IN 46204

Telephone: (317) 232-4160, Toll Free: (877) 928-3755
FAX: (317) 233-4579

- (8) The Department of Natural Resources shall have the right to enter upon the site of the permitted activity for the purpose of inspecting the authorized work.
- (9) The receipt and acceptance of this permit by the applicant or authorized agent shall be considered as acceptance of the conditions and limitations stated on the pages entitled "General Conditions" and "Special Conditions".

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

SPECIAL CONDITIONS

APPLICATION #: FW- 21515

PERMIT VALIDITY : This permit is valid for 24 months from the "Approved On" date shown on the first page. If work has not been initiated by November 01, 2003 the permit will become void and a new permit will be required in order to continue work on the project.

This permit becomes effective 18 days after the "MAILED" date shown on the first page. If both a petition for review and a petition for a stay of effectiveness are filed before this permit becomes effective, any part of the permit that is within the scope of the petition for stay is stayed for an additional 15 days.

CONFORMANCE : Other than those measures necessary to satisfy the "General Conditions" and "Special Conditions", the project must conform to the information received by the Department of Natural Resources on: August 31, 2001 and September 4, 2001. Any deviation from the information must receive the prior written approval of the Department.

Number	Special Condition
(1)	revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue) and legumes as soon as possible upon completion
(2)	appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized
(3)	seed and apply mulch on all disturbed areas not protected by other methods
(4)	to the degree possible, use hand tools for the installation of stabilization practices
(5)	limit the use and size of construction equipment to minimize impacts to the riparian corridor
(6)	minimize and limit the removal of vegetation to those sites that are absolutely necessary for project construction
(7)	the local sponsor must establish appropriate inspection, monitoring, and maintenance criteria for the project; at a minimum, apply the criteria on an annual basis
(8)	except for the material used as fill as shown on the above referenced project plans on file at the Division of Water, place all excavated material landward of the floodway *
(9)	all work must conform with the existing bank at the upstream and downstream limits of the project site
(10)	do not leave felled trees, brush, or other debris in the floodway *
(11)	all glacial stone placed for bank stabilization must conform to the bank
(12)	upon completion of the project, remove all construction debris from the floodway *

**STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES**

SPECIAL CONDITIONS

APPLICATION #: FW- 21515

- (13) * Note: for regulatory purposes, the floodway is defined as the area inundated by the 100-year frequency flood as shown on Panel 86 of the Kosciusko County Flood Boundary and Floodway Map dated February 4, 1987

**STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES**

SERVICE LIST

APPLICATION #: FW- 21515

Winona Lakes Preservation Association
Joel Pratt
PO Box 13
Warsaw, IN 46580-0013

J F New & Associates, Inc
John Richardson
708 Roosevelt Road, Suite A
Walkerton, IN 46574

Denis and Yvette Clemens
2005 Westwood Drive
Winona Lake, IN 46590

Kosciusko County Drainage Board
County Surveyor
Courthouse, Room 103
100 West Center Street
Warsaw, IN 46580-2872

US Army Corps of Engineers, Louisville District
Regulatory Functions Branch
Jim Townsend
PO Box 59
Louisville, KY 40201-0059

Indiana Department of Natural Resources
Division of Law Enforcement
North Region Headquarters Dist 1
RR 6, Box 344
Peru, IN 46970-9030

Kosciusko County Area Plan Commission
Court House, 1st Floor, Room 26
100 West Center Street
Warsaw, IN 46580

Kosciusko County Soil and Water Conservation
District
217 Bell Drive
Warsaw, IN 46580-9362

Winona Lake Plan Commission
P.O. Box 338
Winona Lake, IN 46590

Staff Assignment:

Administrative	: Joseph D. Mapes
Technical	: Joseph D. Mapes
Environmental	: Stephen H. Jose



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.state.in.us/idem

VIA CERTIFIED MAIL 7000 0600 0026 4646 4140

November 15, 2001

Mr. Joel Pratt
P.O. Box 13
Warsaw, Indiana 46580

Dear Mr. Pratt:

Re: Section 401 Water Quality Certification
Project: Peterson Ditch Stabilization
IDEM ID #: 2001-457-43-LPR-A
COE ID #: 200101174
County: Kosciusko

Office of Water Quality staff has reviewed your application received August 29, 2001, requesting Section 401 Water Quality Certification. You propose to stabilize approximately 500 feet of eroding stream banks on Peterson Ditch, which flows into Winona Lake, with approximately 1/3 cubic yard of rocks and/or tree trunks per lineal foot. This project is located on Peterson Ditch north of Winona Beach Drive and west of Westwood Road in Kosciusko County, Warsaw Quadrangle, Section 21, Township 32 North, Range 6 East.

Based on the available information, it is the judgment of this office that the proposed project will comply with the applicable provisions of 327 IAC 2 and Sections 301, 302, 303, 306, and 307 of the Clean Water Act if the recipient of the certification complies with the conditions set forth below. Therefore, subject to the following conditions, the Indiana Department of Environmental Management (IDEM) hereby grants Section 401 Water Quality Certification for the project described in your application received August 29, 2001. Any changes in project design or scope not detailed in the application described above or modified by the conditions below are not authorized by this certification.

GENERAL CONDITIONS:

The recipient of the certification shall:

1. Deposit any dredged material in a contained upland disposal area to prevent sediment run-off to any waterbody. Dispose of all dredged and excavated material according to the requirements of 329 IAC 10, governing Solid Waste Land Disposal Facilities. Your project information may be forwarded to the IDEM Office of Land Quality, Industrial Waste Section for review. Sampling may be

required to determine if the dredged sediment is contaminated. Failure to properly dispose of contaminated sediment may result in enforcement action against you.

2. Install erosion control methods prior to any soil disturbance to prevent soil from leaving the construction site. Appropriate erosion control methods include, but are not limited to, straw bale barriers, silt fencing, erosion control blankets, phased construction sequencing, and earthen berms. Monitor and maintain erosion control structures and devices regularly, especially after rain events, until all soils disturbed by construction activities have been permanently stabilized.
3. Clearly mark the construction limits shown in the attached plans at the project site during construction.
4. Allow the commissioner or an authorized representative of the commissioner (including an authorized contractor), upon the presentation of credentials:
 - A) to enter upon the recipient of the certification's property;
 - B) to have access to and copy at reasonable times any records that must be kept under the conditions of this certification;
 - C) to inspect, at reasonable times, any monitoring or operational equipment or method; collection, treatment, pollution management or discharge facility or device; practices required by this certification;
 - D) to sample or monitor any discharge of pollutants.

PROJECT SPECIFIC CONDITIONS:

The recipient of the certification shall:

1. Avoid channel work during the fish-spawning season of April 1 through June 30.
2. Stabilize the banks using between 10-20 trees that are overhanging or downed onsite and secure them with cable or pin them with ½' rebar.
3. Fill voids at the log/bank interface with approximately 60 tons of washed glacial stone.
4. Install silt fence or other erosion control measures around the perimeter of any wetlands and/or other waterbodies to remain undisturbed at the project site.
5. Remove only trees that are posing an eminent threat to falling in the creek. Threatening trees are ones that are dead or dying and leaning greater than 45 degrees.

6. Allow no construction equipment, temporary run-arounds, coffer dams, causeways, or other such structures to enter or be constructed within the stream, unless specifically stated, depicted, or detailed in the aforementioned correspondence and project plans. A modification of this Section 401 Water Quality Certification is required from this office if any of the aforementioned items are needed for project construction.

This granting of Section 401 Water Quality Certification does not relieve the recipient of the certification from the responsibility of obtaining any other permits or authorizations that may be required for this project or related activities from IDEM or any other agency or person. You may wish to contact the Indiana Department of Natural Resources at 317-232-4161 concerning the possible requirement of natural freshwater lake or floodway permits, or the IDEM stormwater permits section at 317-232-8648 concerning the possible need for 327 IAC 15-5 (Rule 5) permits if you plan to disturb greater than 5 acres of soil during construction.

This certification does not:

- (1) authorize impacts or activities outside the scope of this certification;
- (2) authorize any injury to persons or private property or invasion of other private rights, or any infringement of federal, state or local laws or regulations;
- (3) convey any property rights of any sort, or any exclusive privileges;
- (4) preempt any duty to obtain federal, state or local permits or authorizations required by law for the execution of the project or related activities; or
- (5) authorize changes in the plan design detailed in the application.

Failure to comply with the terms and conditions of this Section 401 Water Quality Certification may result in enforcement action against the recipient of the certification. If an enforcement action is pursued, the recipient of the certification could be assessed up to \$25,000 per day in civil penalties. The recipient of the certification may also be subject to criminal liability if it is determined that the Section 401 Water Quality Certification was violated willfully or negligently.

This certification is effective 18 days from the mailing of this notice unless a petition for review and a petition for stay of effectiveness are filed within this 18-day period. If a petition for review and a petition for stay of effectiveness are filed within this period, any part of the certification within the scope of the petition for stay is stayed for 15 days, unless or until an Environmental Law Judge further stays the certification in whole or in part.

This decision may be appealed in accordance with IC 4-21.5, the Administrative Orders and Procedures Act. The steps that must be followed to qualify for review are:

1. You must petition for review in a writing that states facts demonstrating that you are either the person to whom this decision is directed, a person who is aggrieved or adversely affected by the decision, or a person entitled to review under any law.

2. You must file the petition for review with the Office of Environmental Adjudication (OEA) at the following address:

Office of Environmental Adjudication
ISTA Building
150 West Market Street
Suite 618
Indianapolis, IN 46204

3. You must file the petition within eighteen (18) days of the mailing date of this decision. If the eighteenth day falls on a Saturday, Sunday, legal holiday, or other day that the OEA offices are closed during regular business hours, you may file the petition the next day that the OEA offices are open during regular business hours. The petition is deemed filed on the earliest of the following dates: the date it is personally delivered to OEA; the date that the envelope containing the petition is postmarked if it is mailed by United States mail; or, the date it is shown to have been deposited with a private carrier on the private carrier's receipt, if sent by private carrier.

Identifying the certification, decision, or other order for which you seek review by number, name of the applicant, location, or date of this notice will expedite review of the petition.

Note that if a petition for review is granted pursuant to IC 4-21.5-3-7, the petitioner will, and any other person may, obtain notice of any prehearing conferences, preliminary hearings, hearings, stays, and any orders disposing of the proceedings by requesting copies of such notices from OEA.

If you have procedural questions regarding filing a petition for review you may contact OEA at 317-232-8591.

If you have any questions about this certification, please contact [NAME], Project Manager, of my staff at 317-[PHONE #], or you may contact the Office of Water Quality through the IDEM Environmental Helpline (1-800-451-6027).

Sincerely,



Timothy J. Method
Assistant Commissioner
Indiana Department of Environmental Management

cc: Brett Crump, COE-Louisville District, Indianapolis Field Office
Liz McCloskey, USFWS
Keith Poole, IDNR
John Richardson, J.F. New & Associates

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059

December 7, 2001

Operations Division
Regulatory Branch (North)
ID No. 200101174-bac

Mr. Joel Pratt
Winona Lakes Preservation Association
P.O. Box 13
Warsaw, Indiana 46580

Dear Mr. Pratt:

This is in response to your request dated August 27, 2001, for a Department of the Army Permit to stabilize approximately 500 lineal feet of eroding stream banks on Peterson Ditch. The stream banks will be stabilized using a combination of logs obtained from downed or overhanging trees on site and washed glacial stone. The project will utilize between 10 and 20 trees and approximately 40 cubic yards of stone. Logs will be cabled or pinned with rebar to secure them in place. The site is located in the northeast quarter of Section 21, Township 32 North, Range 6 East, Kosciusko County, Indiana.

Under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA), the Louisville and Detroit Districts issued Regional General Permit (RGP) No. 1 on February 11, 2000, for certain activities having minimal impact in Indiana. We have verified that your proposed work shown on the enclosed plans and described below is authorized under the RGP. Therefore, you may proceed with the work subject to the enclosed general conditions and the Indiana Department of Environmental Management (IDEM) Section 401 Water Quality Certification dated (WQC) November 15, 2001.

The following work is authorized: stabilization of approximately 500 lineal feet of eroding stream banks on Peterson Ditch using a combination of logs obtained from downed or overhanging trees on site and washed glacial stone. The project will utilize between 10 and 20 trees and approximately 40 cubic yards of stone. Logs will be cabled or pinned with rebar to secure them in place.

Any new construction activity other than that shown on the attached plans may not qualify for the RGP. If your plans change or if additional activities are proposed, please submit revised plans to this office for review prior to construction.

Also enclosed is a "Notice of Authorization" to be displayed at the construction site in a conspicuous place. Upon completion of the work authorized by this RGP, the enclosed Completion Report form must be completed and returned to this office. This authorization is valid until **February 11, 2005**.

Copies of this letter will be sent to your agent and the appropriate coordinating agencies (see enclosure for addresses).

If you have any questions concerning this matter, please contact this office at the above address, ATTN: CELRL-OP-FN or call Mr. Brett A. Crump at (317) 532-4197. Any correspondence on this matter should refer to our ID Number 200101174-bac.

Sincerely,

ORIGINAL SIGNED

Doug Shelton
Chief, North Section
Regulatory Branch

Enclosures

ADDRESSES FOR COORDINATING AGENCIES AND AGENT

Ms. Marylou Renshaw
Section 401 Water Quality Certification Program
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Mr. Mike Neyer, P. E.
Director
Division of Water
Indiana Department of Natural Resources
402 West Washington Street, Room W264
Indianapolis, Indiana 46204

Mr. John Richardson
J.F. New & Associates, Inc.
708 Roosevelt Road
P.O. Box 243
Walkerton, Indiana 46574

GENERAL CONDITIONS:

1. Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (i.e. on-site). The permittee shall provide a mitigation/monitoring plan for any activity where the adverse impact on special aquatic sites exceeds 0.10 acre (4,356 sq. ft.) or is determined to be more than minimal impact. In determining the minimal impact threshold, the Districts will consider the direct and secondary impacts of the fill or work and any mitigation measures. A wetland delineation report is also required. NOTE: An important element of any mitigation plan for projects in or near streams, other open waters and wetlands is the requirement for vegetated buffers. Therefore, all mitigation plans should include a minimum 50-foot wide buffer between the edge of the project site and the waters and/or wetlands to be affected unless a lesser distance has been specifically approved under the RGP.
2. The permittee shall, if mitigation is required, develop the mitigation site concurrently with site construction. This will assure that aquatic functions are not lost for long periods of time which could adversely affect water quality and wildlife.
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4. The permittee shall ensure that areas disturbed by any construction activity, including channel banks, are immediately stabilized and revegetated with a combination of grasses, legumes and shrubs compatible to the affected area.
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6. The permittee will ensure that the activity authorized will not disrupt movement of those aquatic species indigenous to the waterbody, including those species which normally migrate through the area unless the activity's specific purpose is to impound water.
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8. The permittee must provide a copy of the site specific State Section 401 WQC before the Corps will authorize a project under the RGP.
9. The permittee must comply with any case specific special conditions added by the Corps or by the State Section 401 WQC. The conditions imposed in the State Section 401 WQC are also conditions of this RGP.
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11. The permittee shall ensure proper maintenance of any structure or fill authorized by this RGP, including maintenance to ensure public safety.
12. The permittee shall not perform any work within any Wild and Scenic Rivers or in any river officially designated as a "study river" for possible inclusion in the system, unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity authorized by the RGP will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal Land Management agency in the area (e.g. U.S. Forest Service, Bureau of Land Management or the U.S. Fish and Wildlife Service).
13. The permittee shall not perform any work under the RGP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. The permittee shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work under the RGP until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

Authorization of an activity under the RGP does not authorize the "take" of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act.

14. The permittee shall not perform any activity under the RGP which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C. The permittee must notify the District Engineer if the activity authorized by the RGP may affect any historic properties listed, determined to be eligible or which the permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin construction until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology. If the permittee discovers any previously unknown historic or archaeological remains while accomplishing the activity authorized by the RGP, work must be immediately stopped and this office immediately notified of what you have found. The District will initiate the Federal, tribal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

15. The permittee shall not perform any work under the RGP where the discharge of dredged and/or fill material would occur in the proximity of a public water supply intake except where the activity is for the repair of the public water supply structure or adjacent bank stabilization.

16. No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material may consist of unsuitable materials (e.g. trash, debris, car bodies, asphalt, etc.) and that materials used for construction or discharge must be free from toxic pollutants in toxic amounts.

17. The permittee shall, to the maximum extent practicable, design the project to maintain pre-construction downstream flow conditions. Furthermore, the work must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose is to impound water) and that the structure or discharge of fill must withstand expected high flows. The project must provide, to the maximum extent practicable, for retaining excess flows from the site and for establishing flow rates from the site similar to pre-construction conditions.

18. The permittee shall ensure that if the activity approved by the RGP includes impoundment of water, measures will be taken to minimize adverse effects on the aquatic ecosystem caused by the accelerated passage of water and/or the restriction of flow.

19. The permittee shall ensure that all temporary fills, authorized under the RGP, be removed in their entirety and the affected areas returned to pre-construction elevation.

20. Representatives from the Corps of Engineers and/or IDEM may inspect any authorized activity or mitigation site at any time deemed necessary to ensure compliance with the terms and conditions of the RGP, Section 401 WQC, and applicable laws.

21. All work authorized by this RGP must be completed by the expiration date of this RGP or 1 year after the date of the Corps authorization letter, whichever occurs later. If you find you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 3 months before the expiration date.

22. The permittee after completion of work under the RGP shall submit a signed certification letter regarding the completed work and required mitigation, if applicable. The certification letter will include a statement that the work was done in accordance with the RGP authorization including compliance with all general and special conditions and completion of mitigation work.

Appendix C:
Landowner Agreement



J. F. New & Associates, Inc.

708 Roosevelt Road • P.O. Box 243 • Walkerton, IN 46574

Phone: 219-586-3400 • Fax: 219-586-3446

Web: www.jfnew.com • E-Mail: info@jfnew.com

- Wetland Delineations •
- Permitting •
- Mitigation Design •
- Engineering •
- Wetland/Prairie Nursery •
- Land Planning •
- Biological Inventories •
- Natural Systems for Wastewater Treatment •
- Lake and Stream Enhancement •
- Ecological Restoration •

February 26, 2002

Charles and Roberta Fulton
604 E. Pink Magnolia Dr.
Warsaw, IN 46580

Dear Mr and Mrs. Fulton:

In accordance with Indiana Department of Natural Resources (IDNR) Lake and River Enhancement (LARE) Program requirements, the stream bank stabilization project recently completed on your property along Peterson Ditch needs to be monitored and maintained in the future. The project will require annual inspections and may possibly require maintenance should erosion and/or structure failure be evident. Once a year, property owners should walk the project site and should complete and mail annual maintenance forms to the Winona Lake Preservation Association at the address found at the bottom of the enclosed inspection form.

Please sign below and return this letter to us in the enclosed envelope acknowledging receipt of this letter and your agreement to perform yearly monitoring and maintenance. Your signature below acknowledges that the work was completed on your property and that you are willing to monitor the work and perform any maintenance that may be required. Please note that you are only responsible for maintenance projects that you list on your annual inspection form.

Thank you for your cooperation.

Sincerely,

John Richardson
Project Manager

Maintenance Agreement

cc. JFNA #00-11-30





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February 26, 2002

Jeff Burriff
502 E. Pink Magnolia Dr.
Warsaw, IN 46580

Dear Mr. Burriff:

In accordance with Indiana Department of Natural Resources (IDNR) Lake and River Enhancement (LARE) Program requirements, the stream bank stabilization project recently completed on your property along Peterson Ditch needs to be monitored and maintained in the future. The project will require annual inspections and may possibly require maintenance should erosion and/or structure failure be evident. Once a year, property owners should walk the project site and should complete and mail annual maintenance forms to the Winona Lake Preservation Association at the address found at the bottom of the enclosed inspection form.

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Sincerely,

John Richardson
Project Manager

Maintenance Agreement

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enc.





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February 26, 2002

Dennis and Yvette Clemens
2005 Westwood Dr.
Warsaw, IN 46580

Dear Mr. and Mrs. Clemens:

In accordance with Indiana Department of Natural Resources (IDNR) Lake and River Enhancement (LARE) Program requirements, the stream bank stabilization project recently completed on your property along Peterson Ditch needs to be monitored and maintained in the future. The project will require annual inspections and may possibly require maintenance should erosion and/or structure failure be evident. Once a year, property owners should walk the project site and should complete and mail annual maintenance forms to the Winona Lake Preservation Association at the address found at the bottom of the enclosed inspection form.

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Sincerely,

John Richardson
Project Manager

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February 26, 2002

John Hartman
564 E. Pink Magnolia Dr.
Warsaw, IN 46580

Dear Mr. Hartman:

In accordance with Indiana Department of Natural Resources (IDNR) Lake and River Enhancement (LARE) Program requirements, the stream bank stabilization project recently completed on your property along Peterson Ditch needs to be monitored and maintained in the future. The project will require annual inspections and may possibly require maintenance should erosion and/or structure failure be evident. Once a year, property owners should walk the project site and should complete and mail annual maintenance forms to the Winona Lake Preservation Association at the address found at the bottom of the enclosed inspection form.

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Thank you for your cooperation.

Sincerely,

John Richardson
Project Manager

cc. JFNA #00-11-30

Maintenance Agreement



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Lake and Stream Enhancement •
Ecological Restoration •

February 26, 2002

Warren and Linda Rohrer
504 E. Pink Magnolia Dr.
Warsaw, IN 46580

Dear Mr. and Mrs. Rohrer:

In accordance with Indiana Department of Natural Resources (IDNR) Lake and River Enhancement (LARE) Program requirements, the stream bank stabilization project recently completed on your property along Peterson Ditch needs to be monitored and maintained in the future. The project will require annual inspections and may possibly require maintenance should erosion and/or structure failure be evident. Once a year, property owners should walk the project site and should complete and mail annual maintenance forms to the Winona Lake Preservation Association at the address found at the bottom of the enclosed inspection form.

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Sincerely,

John Richardson
Project Manager

cc. JFNA #00-11-30

Warren & Linda Rohrer

Maintenance Agreement

